

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 828 OF 2004

SMT.NELLY DIAS AND 6 ORS.,

....Applicants

Versus

DR.PREMANAND L.VERNEKAR

....Respondent

Mr. J. F. Melo, Advocate for the applicants.

Coram:- R. M. LODHA, J.

Date:- 21st October, 2005

P.C.

On 16th September, 2005, I passed the following Order :

" During the course of hearing of this miscellaneous civil application, the learned Counsel for the respondent invited my attention to the Order dated 9.2.2001 passed by this Court whereby the applicants were directed to deposit a sum of Rs.50,000/- within four weeks therefrom. The learned Counsel for the respondent submits that at no point of time the applicants complied with the said order so long as the first appeal remained pending before this Court before its transfer to the Court of District Judge.

I am of the considered view, before the present civil application is considered, the applicants must be directed to deposit a sum of Rs.50,000/- in this Court. The learned Counsel for the applicant submits that four weeks' time may be given to the applicants to deposit the said amount in this Court.

The applicants are permitted to deposit the sum of Rs.50,000/- in this Court within four weeks from today. Let the misc. civil application be posted for orders after four weeks."

2. The learned Counsel for the applicants submits that the applicants are not in a position to deposit the said amount of Rs.50,000/- as directed in the Order dated 16.09.2005.

3. I considered the matter. The long delay of five years in filing the first appeal is not sufficiently explained. The applicants are not even prepared to deposit the amount as directed in the Order dated 16.09.2005 which in fact is based on the earlier order dated 9.2.2001. The miscellaneous civil application does not spell out sufficient cause. It is liable to be rejected and is rejected accordingly.

R. M. LODHA, J.

ssm.